In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 12072 of 2005

Date of Decision: 29.8.2006

Joginder Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. M.L. Sachdeva, Advocate
for the petitioner.

Mr. Ashok Aggarwal, Addl. A.G., Punjab
for the respondents.

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J.S. Khehar, J. (Oral).

The petitioner was issued a charge-sheet on 17.3.2003 under the provisions of the Punjab Civil Service (Punishment and Appeal) Rules, 1970. Consequent upon the departmental enquiry held against the petitioner, he was imposed the punishment of stoppage of one annual increment with cumulative effect, by an order dated 24.3.2005. The order dated 24.3.2005 is subject matter of challenge at the hands of the petitioner through the instant writ petition.

Learned counsel for the respondents points out, that a statutory appeal is competent at the hands of the petitioner so as to challenge the impugned order dated 24.3.2005. He further states, that the petitioner has, in fact, filed the said statutory appeal against the impugned order dated 24.3.2005. In view of the above, learned counsel for the respondents states, that the action of the petitioner in approaching this Court, while an

alternative remedy having been availed of by him, is not acceptable in law.

In view of the above, we are satisfied, that the instant writ petition deserves to be disposed of with a direction to the respondents to take a final decision on the statutory appeal preferred by the petitioner against the impugned order dated 24.3.2005. Ordered accordingly. The appeal preferred by the petitioner against the impugned order be disposed of as expeditiously as possible, but definitely within three months from the date of receipt of a certified copy of this order.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

29.08.2006
sk.